

# **BIRTH INFORMATION & TRACING**

## **Privacy Statement**

## 1. About this Privacy Statement

The Adoption Authority of Ireland ("we", "us", or "our") is committed to protecting your privacy. This Privacy Statement tells you about your privacy rights and sets out how we, as a data controller, collect and process your personal data for the purposes of operating the Contact Preference Register (the "CPR") and for the purposes of processing applications made in respect of access to birth information and/or tracing services. For information on how your personal data is processed by us in the context of our other services or functions, please see the Privacy Statement on our [aaa.gov.ie](http://aaa.gov.ie) website.

This Privacy Statement applies to individuals who make an application to put their details on the CPR. It describes how individuals whose details are placed on the CPR by others are used and processed by the Adoption Authority when carrying out its functions in relation to the CPR. This Privacy Statement also applies to individuals who wish to make an application for information such as birth information, and tracing service applications made through Child and Family Agency ('Tusla').

We are very aware of the importance and sensitivity of the personal data that you share with us. We will only collect and use your personal data in ways that are described here, and in a way that is consistent with our obligations and your rights under law.

## 2. What is the Adoption Authority of Ireland?

The Adoption Authority of Ireland (the "**Adoption Authority**") is an independent body established on 1 November 2010 under the Adoption Act 2010. Our mission is:

*"To ensure the provision of the highest possible standards of adoption related services, throughout the lifelong adoption process, with the best interest of children as the first and paramount objective."*

For information on how to contact us see '**Contact Us**' below.

### 3. What is the Contact Preference Register?

The Contact Preference Register ("**CPR**") was set up under a law passed by the Oireachtas called the Birth, Information and Tracing Act 2022 (the "**BITA 2022**"). The BITA 2022 places the responsibility on setting up and maintaining the CPR with the Adoption Authority. The main function of the CPR is to enable contact between family members affected by adoption. The CPR serves as a way to lodge a 'contact preference' in relation to birth relatives, adopted persons and other specified persons, including a request for privacy. Applicants to the register can also lodge an item (letter, photograph etc.) for a specified person (e.g. for an adoptee or a birth parent). In the Adoption Authority, we refer to people who use the CPR as 'applicants'. As an applicant, you can tell us on the CPR application form how much contact you want with your relative.

If you are an adopted person, a member of the birth family, or a guardian, caregiver or friend of an adopted person, you can choose to put your details on the CPR. You can:

- state who you would like to have contact with,
- state who you would like to share information with,
- select the kind of contact you would like, and
- select not to have any contact at all.

Please see the [CPR information leaflet](#) for more information on who can apply to put their details on the CPR, and the registration process.

### 4. Information we collect

"Personal data" means any information about an individual from which that person can be identified. The personal data which we collect and process for the purposes of carrying out our functions relating to the CPR includes the information you provide when you fill out a CPR application form; any further information you provide to us; information we obtain from a third party such as the ('Tusla');

information from our own files and records, and information which is transferred to the CPR from its predecessor, the National Adoption Contact Preference Register.

The categories of personal data we process about you for the purposes of carrying out our functions relating to the CPR, and which may be recorded in an entry in the CPR include, in particular:

- (a) your name,
- (b) your date of birth,
- (c) your address and other contact details;
- (d) your status as an adopted person or other relevant person, birth relative, adoptive parent, guardian, care-giver or friend;
- (e) the names of birth parents, birth relatives and relevant guardian of an adopted person, or other relevant person (where applicable and known);
- (f) the place at which care was provided as part of a care arrangement to an adopted person, or other relevant person (where applicable and known);
- (g) the adoption society which made arrangements for the adoption (where applicable and known);
- (h) your contact preferences;
- (i) any other information you share with us, which may include health data; genetic data; religious beliefs; marital status; and other types of information either relating to you or your birth relative or an adopted person;
- (j) the identification documents provided by you when you complete the CPR application form;
- (k) details of the birth relative(s) or adopted person you would like to contact;
- (l) details which an adopted person or other relevant person, birth relative, adoptive parent, guardian, caregiver or friend may have shared concerning you;
- (m) whether an information session has been completed with an adopted person in respect of a parent, and
- (n) other information which the Minister for Children, Equality, Disability, Integration and Youth may require us by regulation to record on the CPR.

## 5. How we use Personal Data we collect

We will only use your personal data for the purposes and legal bases set out in the table below. In accordance with our legal obligations under the BITA 2022, **we will only ever make an entry in the CPR where the person in respect of whom the entry is made has given us their prior consent to the making of the entry.**

Purpose/Activity	Type of Personal Data	Lawful basis of processing
<b>Individuals applying for information on the CPR</b>		
<p>To process your application, including applications for a birth certificate, birth information, photographs of birth parents, medical information relating to the relevant person.</p> <p>To process applications for information relating to early life, care, or incorrect birth registration or specified items (such as a letter, photograph, or memento).</p> <p>This includes applications made on your behalf, applications made by you on behalf of a minor, applications made by you in respect of your parent's birth</p>	<p>Your personal data which is recorded on or used in connection with the CPR, and any of your personal data which is held on the Adoption Authority's files and records. This will routinely include:</p> <ul style="list-style-type: none"> <li>• your name;</li> <li>• your date of birth;</li> <li>• your address;</li> <li>• your contact details;</li> <li>• details of the third parties you would like to contact;</li> <li>• your contact preferences;</li> <li>• identification documents, and</li> <li>• any other information you share with us to help us make a match on your behalf (which may include special category data)</li> </ul>	<p>(a) To comply with our legal obligations under BITA 2022, in particular Parts 2, 3 and 4.</p> <p>(b) For substantial public interest reasons and for the performance of a task carried out in the public interest and/or in the exercise of our official authority under Article 6(1)(e) and Article 9(2)(g) of the GDPR and s.66 of BITA 2022.</p>

<p>information, and applications made by you in respect of a relative.</p>	<p>If the application is made in respect of a person other than yourself, we will process certain categories of personal data in respect of the relevant person, including name, date of birth, identification documents, and any other information you share with us to help us make a match on the relevant person's behalf (which may include special category data).</p>	
<p>Arranging to hold an information session with you.</p>	<p>If we receive an application from you, in respect of yourself or another relevant person, we may arrange an information session with you.</p> <p>This will involve the processing of information in connection with your application (as outlined above) and the processing of your name and contact information in order to arrange the information session.</p>	<p>(a) To comply with our legal obligations under BITA 2022, in particular under Part 2.</p> <p>(b) For substantial public interest reasons and for the performance of a task carried out in the public interest and/or in the exercise of our official authority under Article 6(1)(e) and Article 9(2)(g) of the GDPR and s.66 of BITA 2022.</p>
<p><b>Individuals applying to the CPR</b></p>		
<p>To receive and process your application to the CPR with your contact preference in relation to a birth relative or adopted person</p>	<p>The personal data provided on your application form to the CPR, and any personal data recorded on the CPR relating to any relative or adopted person</p> <p>This may routinely include:</p> <ul style="list-style-type: none"> <li>• your name;</li> <li>• your date of birth;</li> <li>• your address;</li> <li>• your contact details;</li> </ul>	<p>(a) To comply with our legal obligations under BITA 2022, in particular Part 6</p> <p>(b) For substantial public interest reasons and for the performance of a task carried out in the public interest and/or which is necessary in the exercise of our official authority, under Article 6(1)(e) and Article 9(2)(g) of the GDPR and s.66 of BITA 2022</p>

	<ul style="list-style-type: none"> <li>• details of the third parties you would like to contact;</li> <li>• your contact preferences;</li> <li>• identification documents, and</li> <li>• any other information you share with us to help us make a match on your behalf (which may include special category data)</li> </ul> <p>The personal data processed may also include any further information listed at (a)-(n) above (see <b>'Information we collect'</b>)</p>	
To record an entry relating to you in the CPR following receipt of a CPR application from you	As above	Consent under Article 6(1)(a) of the GDPR and (where applicable) Article 9(2)(a) of the GDPR
To arrange an information session over a phone call or at a face-to-face meeting as requested, with an adopted person or other relevant person where a 'no-contact' preference has been registered by a birth parent in the CPR, and/or to communicate directly with a person who has chosen a no-contact preference	The personal data processed will include the contact details of the adopted person or other relevant person as recorded on the CPR and/or in our own files and records, and where necessary the birth parent who has chosen a 'no-contact' preference	(a) To comply with our legal obligations under BITA 2022 (b) For substantial public interest reasons and for the performance of a task carried out in the public interest and/or which is necessary in the exercise of our official authority, under Article 6(1)(e) and Article 9(2)(g) of the GDPR and s.66 of BITA 2022
To receive, store, safeguard and share information and items lodged by you, that you wish us to give to a specified person. This information or item may be lodged either when you are	The personal data will depend on the information lodged, and may include special category data. This might include a letter, a photograph, a memento etc.	(a) To comply with our legal obligations under BITA 2022, in particular Part 6 (b) For substantial public interest reasons and for the performance of a task carried out in the public interest and/or in the exercise of our

<p>making an application to the CPR, or when an entry is made by a third party in relation to you on the CPR. We will only pass on the information or item if the specified person has joined or joins the CPR and agrees to accept the item</p>		<p>official authority under Article 6(1)(e) and Article 9(2)(g) of the GDPR and s.66 of BITA 2022</p>
<p>To make an entry in the CPR, recording the information you have provided to us directly, or which we have received from a third party about you</p>	<p>Your personal data which is recorded on or used in connection with the CPR. This may include:</p> <ul style="list-style-type: none"> <li>• the information you provide us with in your CPR application form;</li> <li>• information already held on the Adoption Authority's files and records;</li> <li>• information provided by third parties (such as your birth relatives) who may have expressed a contact preference in relation to you;</li> <li>• information which was recorded on the National Adoption Contact Preference Register;</li> <li>• information in relation to whether an information session was held with an adopted person or other relevant person (which will either be notified to us by one of our employees or by Tusla);</li> <li>• information which the Minister for Children, Equality, Disability, Integration and Youth may require us by regulation to record on the CPR</li> </ul> <p>The personal data processed may also include any further information listed at (a)-(n) above (see</p>	<p>(a) To comply with our legal obligations under BITA 2022, in particular Part 6  (b) For substantial public interest reasons and for the performance of a task carried out in the public interest and/or in the exercise of our official authority under Article 6(1)(e) and Article 9(2)(g) of the GDPR and s.66 of BITA 2022</p>

	<b>'Information we collect'</b> ) to the extent it has been recorded in the CPR	
To transfer the data in the NACPR to the CPR	All of the data currently on the NACPR, which may include your personal data submitted by you to the NACPR, or data submitted by third party about you to the NACPR.	(a) To comply with our legal obligations under s.42 of BITA 2022 (b) For substantial public interest reasons and for the performance of a task carried out in the public interest and/or in the exercise of our official authority under Article 6(1)(e) and Article 9(2)(g) of the GDPR and s.66 of BITA 2022
<b>Individuals applying (1) to the CPR and (2) for information on the CPR and/or for tracing services</b>		
To check the CPR for any matches; to communicate matches to relevant parties; to share information and items with relevant parties; and to facilitate communications between relevant parties	<p>The personal data processed will depend on whether the Adoption Authority is facilitating a meeting between two persons who have 'matched' on the CPR, or facilitating the sharing of information. The data processed will routinely include:</p> <ul style="list-style-type: none"> <li>• personal details of the persons 'matched' on the CPR;</li> <li>• contact details of the persons 'matched' on the CPR;</li> <li>• information which one of the 'matched' parties wishes to share with the other</li> </ul> <p>The personal data processed may further include any further information listed at (a)-(n) above (see <b>'Information we collect'</b>) to the extent it has been recorded in the CPR and is required for the purpose of facilitating a match</p>	(a) To comply with our legal obligations under BITA 2022, in particular s.40 of BITA 2022 (b) For substantial public interest reasons and for the performance of a task carried out in the public interest and/or in the exercise of our official authority under Article 6(1)(e) and Article 9(2)(g) of the GDPR and s.66 of BITA 2022

<p>The Adoption Authority may process personal data for the purposes of carrying out a tracing service. This may include using data in the CPR to facilitate contact with the person who requested the trace</p>	<p>The data which may be processed includes:</p> <ul style="list-style-type: none"> <li>• Relevant contact details between the relevant matched individuals ;</li> <li>• information which person on the CPR / the requester wishes to share with the target(s) of the trace;</li> <li>• information which the target of the trace wishes to share with individuals on CPR;</li> </ul>	<p>(a) To comply with our legal obligations under BITA 2022, in particular Part 5  (b) For substantial public interest reasons and for the performance of a task carried out in the public interest and/or in the exercise of our official authority under Article 6(1)(e) and Article 9(2)(g) of the GDPR and s.66 of BITA 2022</p>
<p>To maintain and improve the technical operation of the CPR, including by transferring personal data to technical third party service providers (such as IT service providers)</p>	<p>All personal data recorded on the CPR which are processed incidentally in order to maintain and improve the technical operation of the CPR</p>	<p>(a) To comply with our legal obligations under BITA 2022, in particular Part 6  (b) For substantial public interest reasons and for the performance of a task carried out in the public interest and/or in the exercise of our official authority under Article 6(1)(e) and Article 9(2)(g) of the GDPR and s.66 of BITA 2022</p>
<p>For the purpose of responding to freedom of information requests; data protection requests; a binding request from a public authority or court</p>	<p>The categories of personal data relevant to the request, or as specified in court order</p>	<p>To comply with our legal obligations, including the Freedom of Information Act 2014 (as amended)</p>
<p>For public interest reasons in the area of public health including protecting against</p>	<p>Health data</p>	<p>To comply with any legal or regulatory obligations and any public health requirements pursuant to Article 6(1)(c) and Article 9 (2)(b) GDPR and s. 8 of the</p>

serious cross-border threats to health		Safety, Health and Welfare at Work Act 2005, and/or Article 9(2)(i) GDPR and s.53 Data Protection Act 2018
In specific cases to protect the vital interest of you or another person where you are physically or legally unable to give consent and when we are informed of important medical data that our Chief Medical Officer feels you or another person needs to know	This will depend on the specific circumstances which arise	Processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent under Article 6(1)(d) and Article 9(2)(c) of the GDPR

## 6. Data we receive from third parties

In addition to that noted in Section 5 above, we may also receive information about data subjects from Tusla or other third party such a secondary information source to facilitate tracing applications under the BITA 2022.

## 7. Data retention

We will retain your personal data only for as long as necessary for the purposes for which it was collected; as required by law, and for the exercise and defence of legal claims that may be brought by or against us.

Any identification documents which you provide to us when you submit an application will be destroyed once we have verified your identity. For example, name and related personal details, including contact details and contact preferences, which are provided to us in CPR application forms, will remain on the CPR permanently unless you write to us and ask us to change or remove them. Please remember to contact us if your contact details change (see '**Contact Us**' below).

## 8. Disclosure of your information

We may disclose your personal data to the parties identified in the table below:

Recipient	Circumstances and reason for disclosure
Birth relatives or other specified persons	<p>We may share personal data, including contact details, that are recorded in the CPR with birth relatives or other specified persons where there has been a 'match' with an existing entry on the CPR. This may include contact preference, contact details (where a preference of having contact with the relevant person has been expressed) and any items lodged with us for sharing with the relevant person.</p> <p>If you are the person making the application for information on the CPR or tracing services, your contact details may also be shared with relevant relatives or other specified persons on the CPR where there has been a match.</p>
Third party service providers	We may share your data with third parties who provide services to us (such as IT providers or our legal advisers)
The Child and Family Agency ('Tusla')	We may share your data with Tusla where it is necessary to fulfil our functions under the BITA 2022. This may include, for example, where Tusla are assisting with tracing a birth relative.
A third party where we are under a duty to disclose or share your personal data in order to comply with any legal, or for the exercise or defence of legal claims that may be brought by or against us, or for compliance with a court order, or on the instructions of a government or regulatory authority	For example, we may be required to disclose information if ordered to do so by a court.
A third party where it is necessary to protect your vital interests or those of a third party	For example, our Chief Medical Officer may advise us that it is important that a person is provided with certain medical information. We will endeavour to seek your consent prior to

	providing a third party with such medical information, unless you are physically or legally incapable of providing consent or we cannot locate you.
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To the limited extent that it is necessary to transfer personal data outside of the European Economic Area ("**EEA**"), we will ensure appropriate safeguards are in place to protect the privacy and integrity of such personal data, which may include an adequacy decision under Article 45 of the GDPR, or by putting in place standard contractual clauses under Article 46.2 of the GDPR. Please contact us if you wish to obtain more information concerning these safeguards (see '**Contact Us**' below).

### 9. Your rights

To the extent that we are a data controller of your personal data you may request access to, rectification, or erasure of your personal data, or restriction of processing or object to processing of your personal data, as well as the right to data portability. In each case, these rights are subject to restrictions as laid down by law. In particular, your rights to restriction of or object to the processing of your personal data are restricted to the extent necessary and proportionate for us to carry out our functions under the BITA 2022.

The following is a summary of your rights under data protection law:

- The right of access enables you to receive a copy of your personal data. This can be done by completing a [data subject access request form](#) or by writing to us directly (see '**Contact Us**' below);
- The right to rectification enables you to correct any inaccurate or incomplete personal data we hold about you;
- The right to erasure enables you to ask us to delete your personal data in certain circumstances;
- The right to data portability enables you to request us to transmit personal data that you have provided to us, to a third party without hindrance, or to give you a copy of it so that you can transmit it to a third party, where technically feasible;
- The right to restrict processing enables you to ask us to halt the processing of your personal data in certain circumstances;

- The right to object enables you to object to us processing your personal data on the basis of our legitimate interests (or those of a third party).

These rights may be limited in some situations - for example, where we can demonstrate we have a legal requirement to process your personal data.

You also have the right to lodge a complaint with the Data Protection Authority, in particular in the Member State of your residence, place of work or place of an alleged infringement, if you consider that the processing of your personal data infringes the GDPR. In Ireland, this is the [Data Protection Commission](#).

You also have the right to withdraw your consent to our processing of your personal data at any time (without affecting the lawfulness of processing based on consent before its withdrawal), in any circumstances where we rely on this legal basis to process your data.

In addition, you have the following specific rights under the BITA 2022:

- the right to request the Adoption Authority to cancel any entry made in the CPR in respect of you; and
- the right to request the Adoption Authority to amend or delete any information contained in an entry in the CPR in respect of you (except for the fact of an information session having being held, if applicable).

If you wish to exercise any of these rights, please contact us (see '**Contact Us**' below). We will respond to your request as soon as possible.

## **10. Security and where we store your personal data**

We are committed to protecting the security of your personal data. We use a variety of technologies and procedures to help protect your personal data from unauthorised access and use. As effective as modern security practices are, no physical or electronic security system is entirely secure. We cannot guarantee the complete security of the CPR database nor can we guarantee that information you supply will not be intercepted while being transmitted to us over the internet. We have implemented strict internal guidelines to

ensure that your privacy is safeguarded at every level of our organisation. We will continue to revise policies and implement additional security features as new technologies become available.

## 11. Changes to this Privacy Statement

We may change this Privacy Statement from time to time. If we make any changes, we will post those changes here and update the “Last Updated” date at the bottom of this Privacy Statement. However, if we make material changes to this Privacy Statement, we will notify you by means of a prominent notice on our [www.birthinfo.ie](http://www.birthinfo.ie) website prior to the change becoming effective. Please review this Privacy Statement periodically for updates.

## 12. Contact Us

Our Data Protection Officer ("**DPO**") is available to answer any data protection and privacy-related questions you may have. You can contact the DPO at [dataprotection@aai.gov.ie](mailto:dataprotection@aai.gov.ie) or by writing to: The DPO, Adoption Authority of Ireland, Shelbourne House, Ballsbridge, Dublin, D04H6F6. We will do our best to promptly resolve any concerns you may have about how we protect your privacy and personal data.

Last Updated: 03 October 2022